IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CWP No.16203 of 2007
Date of decision: 17.11.2007

Harpreet Kaur.

…Petitioner

Vs.

State of Punjab and ors.

…Respondents

CORUM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA.

Present: None for the petitioner.

Mr. T.S. Dhindsa, Advocate
for respondents No. 2.

Adarsh Kumar Goel, J.

This petition seeks quashing of admission of respondent No.4 and for giving of admission to the petitioner to the BDS course.

Case of the petitioner is that she passed 10+2 examination from Mohali, Punjab in May 2007. She belonged to SC category as per certificate, Annexure P-4 issued by SDM, U.T., Chandigarh. She applied for admission to BDS course. In the third counselling held on 26.9.2007, five students participated and though the petitioner got the first rank, admission was given to respondent No.4 who had lower rank.

Stand taken by respondent No.2, University is that the petitioner was not eligible for admission to the SC category as her SC certificate was issued by Tehsildar, Ambala. The certificate issued by U.T., Chandigarh was issued on the basis of SC certificate issued by the Tehsildar, Ambala.

We have heard learned counsel for the University who submitted that the petitioner having not been issued SC certificate from the State of Punjab, was not eligible to seek admission in the SC category in the State of Punjab. He placed reliance on judgment of the Hon'ble Supreme Court in ***Action Committee on Issue of Caste Certificate to Scheduled Castes and Scheduled Tribes in the State of Maharashtra and another*** *v.* ***Union of India and others*** (1994) 5 SCC 244.

In the judgment relied upon, it was held that castes have to be specified under Articles 341 and 342 of the Constitution in relation to a State or Union Territory. Caste certificate given in State 'A' does not entitle a candidate to rights, privileges and benefits admissible to a member of SC category of 'B' State. Earlier view taken in ***Marri Chandra Shekhar Rao v . Dean, Seth G.S. Medical college*** (1990) 3 SCC 130 was reiterated, wherein the candidate was born in the State of A.P. and was issued certificate in that State. He passed 12th Standard examination in the State of Maharashtra and sought admission on the basis of certificate issued in the State of A.P. Denial of admission by the State of Maharashtra was upheld.

In view of judgment of the Hon'ble Supreme Court in ***Action Committee*** *(supra),* we are unable to uphold the claim of the petitioner.

Dismissed.

(ADARSH KUMAR GOEL)
JUDGE

November 17, 2007 **(AJAI LAMBA)**

ashwani **JUDGE**